



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

			<b>RICHARD G. CENCI</b> , Trustee of the Herman R. Cenci Family (Bypass) Trust, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: Page 1B is Petitioner's Notice of Motion and Motion for Earnings Withholding Order on Spouse's Community Property Wages.</b>
			<b>Petitioner states</b> he obtained a judgment jointly and severally against <b>TERESE ANN CENCI MCGEE and HERMAN FRANCIS CENCI</b> , beneficiaries of the <b>CENCI FAMILY TRUST OF 1992</b> , in the principal amount of \$675,287.40, to be paid 65% (\$438,600.00) to the trustee of the Herman R. Cenci Family (Bypass) Trust, and 35% (\$236,687.40) to the trustee of the Esther C. Cenci Survivor's Trust created under the Cenci Family Trust of 1992. In addition, the judgment provides that Terese's interest in the survivor's trust is charged the amount of \$50,000.00.	
	Aff.Sub.Wit.		Petitioner is trustee of the Herman R. Cenci Family (Bypass) Trust (the "Family Trust"), and Bruce D. Bickel is trustee of the Esther C. Cenci Survivor's Trust (the "Survivor's Trust").	
✓	Verified		Petitioner details the assets of the trusts including a 1932 Packard Automobile, cash, personal property, promissory notes, and what Terese and Herman would be entitled to.	
	Inventory		<b>Petitioner requests that:</b>	
	PTC		1. The trustee of the Survivor's Trust be authorized to deduct the amount of \$50,000.00 that was charged to Terese from her share of the Survivor's Trust;	
	Not.Cred.		2. The Court order payment of the judgment entered against Terese from her interest in the family trust and the balance of her interest in the survivor's trust as follows: Richard G. Cenci, as trustee of the Family Trust, and Bruce D. Bickel, as trustee of the Survivor's Trust, are ordered to pay Terese's entire interest in the respective trusts to Petitioner to be applied to the satisfaction of the judgment and that Terese take nothing under the terms of the Cenci Family Trust of 1992;	
✓	Notice of Hrg		3. The Court order payment of the judgment entered against Herman from his interest in the family trust and the survivor's trust as follows: Richard G. Cenci, as trustee of the Family Trust, and Bruce D. Bickel, as trustee of the Survivor's Trust, are ordered to pay Herman's entire interest in the respective trusts to Petitioner to be applied to the satisfaction of the judgment and that Herman take nothing under the terms of the Cenci Family Trust of 1992.	
✓	Aff.Mail	w		<b>Reviewed by:</b> skc
	Aff.Pub.			<b>Reviewed on:</b> 6-17-13
	Sp.Ntc.			<b>Updates:</b>
	Pers.Serv.			<b>Recommendation:</b>
	Conf. Screen			<b>File 1B – Cenci</b>
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

**Notice of Motion and Motion for Earnings Withholding Order on Spouse's  
Community Property Wages**

			<p><b>RICHARD G. CENCI</b>, Trustee of the Herman R. Cenci Family (Bypass) Trust, is Petitioner and Judgment Creditor.</p> <p>Petitioner states Defendant Herman Francis Cenci and Maike Cenci were married at the time of the judgment; therefore, Maike Cenci is also liable for this debt. Although there is no decided case under California Law, every treatise and commentary on the Enforcement of Judgments Law (EJL) [cites provided] concur: Community property is liable for the judgment, and the wages of the non-debtor spouse are reached by this same noticed motion procedure. The earnings of both spouses during marriage are community property.</p> <p>Petitioner states it is important to keep in mind what is actually being sought by a motion for court order for an earnings withholding order on the wages of a non-debtor spouse. The aim is not to make the spouse a judgment debtor; the aim is to apply a particular form of community property to the judgment.</p> <p>Petitioner and Attorney Denning cite and discuss various authority for this motion. See Memorandum and Declaration in Support.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>	W		
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 6-17-13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 1A – Cenci</b>

<b>Age: 88</b>	<b>JOAN ST. LOUIS</b> , Conservator, is Petitioner and requests instructions and an order allowing her to transfer certain real property interest into the Byrum C. and Wanda H. Bingham Family Trust dated April 1, 1998 – as amended and restated (the "Trust").	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>Petitioners states:</b> Byrum C. Bingham passed away 3-20-12. Fortunately, he and his wife Wanda were foresightful and had established a sophisticated and comprehensive estate plan including the creation of the Trust. The current co-trustees are Wells Fargo Bank, NA, and Mr. Randy Grace.	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <span style="float: right;">w</span>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
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<input checked="" type="checkbox"/> <b>Order</b>		
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<input type="checkbox"/> <b>UCC/JEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	A probate was opened in Snohomish County, WA to probate this property. Washington is a "community property" state. Since the deed does not specify how the property is to be held, and Byrum and Wanda were husband and wife on the date of acquisition, the property is considered community property.	
	Byrum Bingham had a pourover will that allows his wife to add her community property portion to be probated as part of his estate and distributed to the trust; <u>or</u> not, and confirm to her. Wanda's contains the same clause.	
	Petitioner believes it is in Wanda's best interest to convey her community property interest to the Trust. The conservatorship estate has no need to access any equity in the property, nor is there any potential income. The transfer will avoid having to deal with income and property tax issues and will obviate the need for a probate proceeding in Washington upon Mrs. Bingham's death.	
	<b>Petitioner respectfully asks the Court to grant her the power to transfer the community property interest of the Conservatee in the above-referenced property by way of assignment or quitclaim deed to the Trust.</b>	
	<b>Reviewed by:</b> skc <b>Reviewed on:</b> 6-18-13 <b>Updates:</b> <b>Recommendation:</b> <b>File 3A – Bingham</b>	

<b>DOD: 9-18-07</b>		<p><b>LAURA E. DOZIER</b>, spouse, was appointed Administrator with Full IAEA, without bond on 02/04/08. Letters of Administration were issued on 02/04/08.</p> <p><b>I&amp;A Partial No. 1</b> filed 12/02/08 reflects \$333,000.00 including real property in Madera County.</p> <p><b>I&amp;A Final</b> filed 12/02/08 reflects \$317,750.00 including real property in Fresno County and various vehicles. (Total I&amp;A: \$647,750)</p> <p><b>On 3-15-12, a Notice of Pendency of Action was filed</b> stating that a Complaint for Money Due has been filed in 12CECG00823 MWA to recover money lent to the Decedent.</p> <p>Upon receipt of the Notice of Pendency of Action, the Court set status hearing for 6-20-12 for failure to file a first account or petition for final distribution.</p> <p><b>At hearing on 6-20-12</b>, the Court set status conference on 7-27-12 and ordered Ms. Dozier to be personally present. Attorney Knudson provided an address for her.</p> <p><b>Status Report filed 7-19-12</b> stated that until the Madera County property is sold, there will not be any funds to pay creditors or make distribution, and it is anticipated that with the gradually improving real estate market, it may be possible to sell. Ms. Dozier requested that the administration be allowed to continue.</p> <p><b>At hearing on 7-27-12</b>, Counsel advised that the property consists of 40 acres of undeveloped property in the Coarsegold area, which was appraised at \$333,000, but is worth less. The Court set further status hearing for 11-30-12.</p> <p><b>At hearing on 11-30-12</b>, OSC was set for 1-22-13 re Laure E. Dozier's failure to communicate with counsel.</p> <p><b>At hearing on 1-22-13</b>, Ms. Dozier was present and the OSC was dismissed. Mr. Knudson requested continuance. The Court ordered Ms. Dozier and Mr. Knudson to be personally present at the continued hearing on 3-26-13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 11-30-12:</b> Counsel informs the Court that he may have to withdraw as he is not getting any cooperation from his client who is not responding to any telephone calls or letters. The Court accepts counsel's representation that the lack of cooperation from his client is impairing his ability to move forward with this matter. The Court sets the matter for an Order to Show Cause on 1/22/13 regarding Laura Dozier's failure to fulfill responsibilities of administration; failure to communicate with counsel; failure to fulfill duties to beneficiaries, and imposition of sanctions in the amount of \$200.00. The Court orders Laura Dozier to be present on 1/22/13. Continued to 1-22-13 at 9am in Dept 303. Set on 1-22-13 at 9am in Dept 303 for Order to Show Cause Re: Failure to Fulfill Responsibilities of Administration; Failure to Communicate with Counsel; Failure to Fulfill Duties to Beneficiaries; Imposition of Sanctions in the Amount of \$200.00.</p> <p><b>Minute Order 1-22-13:</b> Mr. Knudson advises the Court that he still needs additional information from Laura Dozier. He further advises that there is a creditor's claim from Fresno County Federal Credit Union. Mr. Knudson requests a continuance. Matter continued to 3/26/13. The Court orders Laura Dozier and David Knudson to be personally present on 3/26/13. Laura Dozier provides the following contact information to the Court: 1423 Griffith Wy, 93705; telephone # 477-9623. Continued to 3/26/13. OSC is dismissed.</p> <ol style="list-style-type: none"> <li><b>Need first account or petition for final distribution, or verified status report.</b></li> <li><b>The Court may require notice of further status hearings on the parties that have requested special notice of these proceedings.</b></li> </ol> <p><b>Additional Notes:</b> Creditor's claims of Fresno County Federal Credit Union, Citibank and American Ambulance have been filed in this matter. A request for Special Notice has been filed by Sandra Dozier &amp; Fresno County Federal Credit Union.</p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 6-17-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 - Dozier</b></p>
<b>Cont. from 062012, 072712, 113012, 012213, 032613, 050713</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
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